



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 76 years		CONNIE RANA , former Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/8/08 – 12/31/09	<p>Continued from 8/27/12. Minute order states the court indicates to the parties that it is maintaining jurisdiction over the actions of the conservator which took place during the time this court had jurisdiction. The Public Guardian is directed to advise the court in Nevada and the bond holder of the on-going issues. The court directs that any objections are to be filed by 9/27/12.</p> <p>Note: Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/13.</p> <p>Note: Connie Rana has filed her Fourth and Final Account. The hearing on that matter is scheduled for 11/15/12.</p>
Cont. from 102511, 120611, 012412, 030812, 050712, 061812, 072312, 082712		Accounting - \$782,889.76 Beginning POH- \$642,039.07 Ending POH - \$496,754.10	
	Aff.Sub.Wit.	Conservator - waives	<p>Note: Connie Rana has filed her Fourth and Final Account. The hearing on that matter is scheduled for 11/15/12.</p>
✓	Verified	Attorney - \$4,187.50 (per itemization and declaration, 16.75 hours at \$250.00 per hour)	
	Inventory	Petitioner prays for an Order:	<p>1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;</p> <p>2. Authorizing Petitioner to pay her attorney the sum of \$4,187.50 for ordinary legal services provided to the conservator and the estate during the period of the account.</p>
	PTC		
	Not.Cred.		<p>1. Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. – Order Transferring California Conservatorship and Appointing Guardian of the Person and Estate of Darleen Parks was filed by the Nevada Court on 6/22/12.</p>
✓	Notice of Hrg		
✓	Aff.Mail	W/	<p>Please see additional page</p>
	Aff.Pub.		
	Sp.Ntc.		<p>Reviewed by: KT</p>
	Pers.Serv.		
	Conf. Screen		<p>Reviewed on: 10/19/12</p>
	Letters		
	Duties/Supp		<p>Updates:</p>
	Objections		
	Video Receipt		<p>Recommendation:</p>
	CI Report		
✓	2620(c)		<p>File 1 - Parks</p>
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

2. **Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
 - a. **3/11/08 – TV Surround + patio furniture for \$1,723.65**
 - b. **4/22/08 – Washer and dryer for \$1,578.90**
 - c. **12/22/09 – firmer sofa (?) for \$2,196.19** – Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.).
6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

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- 7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:**
- **4/15/08 - \$271.00**
 - **4/15/08 - \$271.00**
 - **8/26/08 - \$271.00**
 - **8/26/08 - \$271.00** - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.
- 8. Disbursement schedule shows a transfer correction of \$250.00 on 12/22/08. Court may require clarification.**
- Declaration of Conservator filed on 11/30/11 states the payment of \$250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.
- 9. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above).** - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.
- 10. Need Bank Statements as required by Probate Code 2620(c)(2).**
- 11. This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:**
- **\$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
 - **\$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
 - **\$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**
- Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate.** - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

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12. Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. – Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

13. Need Order

Public Guardian's Objections to the Third Account and Report of Conservator and Petition for Fees was filed on 9/7/12. After reviewing the Account the Public Guardian objects as follow:

1. There are two utility bills paid every month within days of each other.
2. There is an extensive amount of supplies and food purchased for Ms. Parks and her care providers monthly.
3. Although Ms. Rana states that she uses the car (which is Ms. Parks' Jaguar) to transport her sister to outings, there is a van that is used to transport Ms. Parks. Why is the conservatee paying for two cars when she cannot drive?
4. There are many insurance payments made, but do not specify for why type of insurance. There are also large gaps as to when insurance payments are being made. They are not monthly or quarterly.
5. Two different pest control company bills are being paid.
6. There is a monthly cleaning bill. In the Public Guardian's experience, care providers do the cleaning while the person receiving the care is resting or not needing assistance. Furthermore, the cleaning company was coming twice a month, sometimes within 3 days of each other.
7. Charges were made to Charlotte Rouse clothing store, which caters to the 15 – 25 year old age group. The conservatee is older than 65.
8. Two monthly trash service bills are being paid each month.
9. In late 2008 there were two cable bills being paid each month.
10. There was \$4,460 paid for the installation of window fixtures on a home that the conservatee rents.

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Objections of the Public Guardian continued:

11. There was insurance with different medical companies. What was paid for as a co-pay or deductible? On 2/5/08, she paid "Insurance, med pay" (\$1,079.14), 04/17/08 – "Insurance" (\$1,132.00) but does not specify what insurance, listed Humana Health Insurance deductible (\$1,620.00 – 09/05/08), Health Net, Right Source Rx, and "A&A Insurance add on H.O. prem." (\$300.00) What is Medicare covering? Physical therapy should be covered under insurance if the doctor is prescribing it. Some insurance companies, whether primary or secondary to Medicare, should be picking up some of the expenses and visa-versa.
12. What is RC Wille Firmer So?? Purchased on 12/22/09?
13. Why were new lamps purchased on 12/22/09 for \$285.65?

Wherefore, the Public Guardian requests the Court deny Petitioner's third account as set forth.

Second Supplemental Declaration of the former Conservator, Connie Rana filed on 10/3/12. Ms. Rana responds to the Public Guardian's Objections number 1-13 in sequence, as follows:

1. **Utilities** – There are two utility bills paid because there is a similar "barter" paid for the Conservatee's in-home care givers. The amounts paid are an "offset" or "barter" for the caregivers in exchange for their services. There is no personal benefit of any of these payments for the Conservator. The amounts are quite modest and do not cause harm or threat to the estate.
2. **Supplies and Food** – Some supplies and expenses are for the care providers, who are often there for 10 hours at a time and require meals. However, much of the expense is to buy the conservatee her adult diapers at \$50 per box, of which she wears at least 5 per day, plus other supplies such as lotions, shampoos, toothpaste, paper products as well as food.
3. **Vehicle** – The conservatee has two vehicles (and has had these throughout the conservatorship). The van is necessary to transport the conservatee, as she is wheelchair bound. She also likes to drive in her other vehicle, a Jaguar, which is paid for. The cost of maintaining the two vehicles is minimal compared to the convenience it provides. The Conservatee is proud of her Jaguar (which was almost new when she had her stroke) and she enjoys being in it. The Conservator and her family have extensive vehicles of their own and do not use the Conservatee's vehicles.
4. **Insurance** – The only insurance that is paid for on behalf of the conservatee is for the vehicles and for her renter's insurance. This is generally paid on a semi-annual basis.
5. **Pest Control** – Besides the monthly bill for the conservatee's residence, a second bill is often paid for for an in-home care provider as a "barter." These payments are included in the general costs to care for the Conservatee and have been previously reviewed and approved by this court including, on the Second Account and Report, which was approved on 7/14/11.
6. **House Cleaning** – The home is relatively large and has other persons (care providers) in it daily, in addition to the conservatee. Contrary to the Public Guardian's "experience" the care providers that Ms. Rana has hired do not do the cleaning and have not been hired to do so. All cleaning bills were for the benefit of the Conservatee.

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- 7. Charlotte Rouse** – The Conservator is informed that Charlotte Rouse has stores other than the “15-25 year old group” and also for “larger” women like the Conservatee. The only purchases at Charlotte Rouse would have been the Conservatee’s nightgowns.
- 8. and 9 Trash Services and Cable Bill** – These are the same “barter services” for care givers necessary to maintain 24 hour care for the Conservatee
- 10. Window Fixtures** – New windows were necessary in the home for the comfort of the Conservatee.
- 11. Insurance** – The only insurance available to the Conservatee, and of which she has been a member since she retired, is Humana Insurance. Humana is not part of the Medicare system; it is separate coverage and is excluded from Medicare.
- 12. RC Willey** – Is a furniture store where the Conservator purchased a new and firmer sofa for the conservatee.
- 13. New Lamps** – New lamps were necessary because the old ones in her bedroom broke.

The above expenditures are generally minimal and are necessary and convenient for the maintenance of the household and the care and comfort of the conservatee, who has been in Las Vegas for over 7 years and resides 24 hours per day in her residence. Ms. Rana states she has been appointed guardian of the person and estate of Darlene Parks in Clark County, Nevada. An Order for Emergency Release of Funds for Guardian to Pay Monthly Expenses from Blocked Accounts was filed on 8/15/12 in Clark County, Nevada. The order was prepared after Ms. Rana submitted a budget, through her attorney in Nevada, for funds to be removed from the blocked accounts for the care of the Conservatee. The budget was approved in the amount of \$8,460 per month. Ms. Rana states that she has approval from the Nevada Court, which now has jurisdiction over the person and estate of the conservatee of nearly the same expenses and budget that she has previously expended for the ongoing care of the conservatee.

Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12. States she was appointed as conservator in 2003 because it was determined that Darlene [conservatee] was incapable of caring for herself or her financial matters as a result of a stroke. This condition has remained unchanged for nearly 9 years and Darlene receives the same 24 hour a day care she has had since her stroke. This court granted Ms. Rana's petition to move the Darlene to Nevada on 3/16/2005. Darlene has resided primarily in Nevada since that time. The Third Account has been submitted and is pending approval by this court subject to various questions by the probate examiners, the court and now the Public Guardian.

Petitioner contends that since the court granted permission for the conservatee to move to Nevada and a new proceeding is in effect in Nevada, California courts have no jurisdiction to order the “return” of the Conservatee to this state or to cancel the previous order by which the Conservatee was removed to Nevada. The Court's jurisdiction is now limited to Probate Code §2630. Without fully addressing this jurisdictional issue, there are no substantive reasons for this court not to approve the current Third Account and Report.

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Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12 continued:

From review of the Probate Examiner's notes, and the Court's various comments, the primary concerns are that the Conservator failed to disclose, or failed to receive prior approval of certain transactions which may have been considered "self-dealing" by the court. These matters have been fully explained, and justified in the "Supplemental Declaration and Report of the Conservator." Primarily there has been no showing of harm or loss to the estate of the Conservatee. In fact, as the Third Account and Report shows, the investments provided higher than market value returns.

The Court and the examiners have had more than ample opportunity to review the "transactions" that they may have considered questionable. The fact that the examiners may have decided to "over analyze" every transaction, and point out to the court such *di minimis* matters as the payment of a caregiver's cell phone bill or gifts to the conservatee's great nephews does not create a breach of fiduciary duty.

Upon request by this court, the Public Guardian's office filed objections to the Third Account. The objections have been addressed by Ms. Rana in her Second Supplemental Declaration.

Under the above circumstances and law in this area, the Court is well within its authority in reviewing all transactions and actions by the conservator to approve such transactions which may have required prior court approval, as well as final approval of the Third Account. It should be noted that Ms. Rana is the conservatee's only sibling and closest relative. She has devoted herself for over 9 years to the care of her sister without compensation. She has provided 24 hour, 7 days a week care of her sister with the specific intent not to transfer her to a skilled nursing facility and has expended personal time and effort, well beyond that of any normal conservator's obligation, for her sister. If it is the position of the examiners and this court that, for example, the Conservatee should not be in a quality home owned by the conservator but should, instead, perhaps live next door in a house owned by some other person and pay the same or more rent, it would be the triumph of "procedure" over "substance" and would not provide any greater care or comfort to the conservatee.

(1) First and Final Account and Report of Special Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution

DOD: 1-1-2000		PUBLIC ADMINISTRATOR , Special Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 10-25-12 at request of County Counsel. As of 10-19-12, nothing further has been filed. 1. Petitioner requests payment of the entire amount of the statutory fees to Public Administrator and County Counsel; however, Examiner notes that the former Administrator and former attorney may be entitled to a portion of the fees. The Court may require clarification and/or notice to Attorney John Barrus' office. 2. Heirs David Polin and Anthony Polin, Sr., previously filed Assignments of Interest for a portion of their shares (\$1,000.00 each) to "Ken and Albeza Kemmerrer." This petition does not appear to reference these assignments. Need clarification or withdrawals of the assignments. 3. Need Order.
		Account period: 3-27-12 through 6-6-12	
Cont. from 081612, 092012		Accounting: \$50,100.00	
	Aff.Sub.Wit.	Beginning POH: \$45,000.00	
✓	Verified	Ending POH: \$45,963.69 (cash)	
✓	Inventory	Public Administrator (Statutory): \$2,004.00	
✓	PTC	Public Administrator (Extraordinary): \$1,248.00 (for sale of real property per Local rule and preparation of tax returns (1 Deputy hour @ \$96/hr and 2 Staff hours @ \$76/hr)	
✓	Not.Cred.	Attorney (Statutory): \$2,004.00	
✓	Notice of Hrg	Bond fee: \$31.31 (ok)	
✓	Aff.Mail	Costs: \$446.00 (filing, certified copies)	
	Aff.Pub.	Distribution pursuant to intestate succession:	
	Sp.Ntc.	Arthur Polin, Jr.: \$6,705.07	
	Pers.Serv.	Anthony Polin, Sr.: \$6,705.07	
	Conf. Screen	David G. Polin: \$6,705.06	
	Letters	Beatrice Valdez: \$6,705.06	
	Duties/Supp	Josephine Bourbon: \$6,705.06	
	Objections	Anthony Aldama: \$6,705.06	
	Video Receipt		
	CI Report		
✓	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

(1) First and Final Account and Report of Administrator and Petition for Its Settlement and (2) for Allowance of Statutory Fees and Commissions and For (3) Final Distribution

DOD: 3-24-08		LINDA LADD , Daughter and Administrator with Full IAEA and bond of \$40,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states: "Notice of the initiation of this probate proceeding was not required at the time these proceedings were commenced." It is unclear if this statement refers to the notice to the Franchise Tax Board required by Probate Code §9202(c)(1); <u>however, because Letters were issued after 7-1-08, notice is required.</u> Need verification that notice was sent to Franchise Tax Board pursuant to Probate Code §9202(c)(2). The Court may require continuation for appropriate notice. 2. Need §13100 declarations from Justin and Joshua since their parent post-deceased the decedent.
		Account period: 3-24-08 through 8-20-12	
		Accounting: \$150,000.00	
		Beginning POH: \$150,000.00	
		Ending POH: \$ 15,013.75 (cash)	
		Administrator (Statutory): \$3,680.00	
		Attorney (Statutory): \$3,680.00	
		Closing: \$2,500.00 (accountant, reserve)	
		Distribution pursuant to intestate succession:	
		Linda Ladd: \$858.95 (1/6)	
		Janetta V. Van Pelt: \$858.95 (1/6)	
		Erma Cook: \$858.95 (1/6)	
		Earl McDonald: \$171.79 (1/5 of 1/6)	
		Lenora Adams: \$171.79 (1/5 of 1/6)	
		Roberta McDonald: \$171.79 (1/5 of 1/6)	
		Tricia Matthews: \$171.79 (1/5 of 1/6)	
		Stephanie McDonald: \$85.90 (1/2 of 1/5 of 1/6)	
		Leeann McDonald: \$85.90 (1/2 of 1/5 of 1/6)	
		Benjamin Townsend: \$429.48 (1/2 of 1/6)	
		Justin Townsend: \$214.74 (1/2 of 1/2 of 1/6)	
		Joshua Townsend: \$214.74 (1/2 of 1/2 of 1/6)	
		Cynthia Sumrall: \$214.74 (1/4 of 1/6)	
		Elizabeth Manley: \$214.74 (1/4 of 1/6)	
		Brian Childress: \$214.74 (1/4 of 1/6)	
		Kristina Durney \$214.74 (1/4 of 1/6)	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	11-7-08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	X	